IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE NINTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 295 of 1994

Between:

Ramisetti Venkateswara Rao, S/o.Gangayya,

Pattennapalem, Jangareddigudem Mandal,

West Godavari District.

..... PETITIONER

AND

1. Government of A.P., Social Welfare (F) Department,

Secretariat Buildings, Hyderabad.

2. Agent to Government (Collector),

West Godavari District, Eluru.

3. Special Deputy Collector (T.W.), K.R.Puram,

West Godavari District.

4. Special Deputy Tahsildar (T.W.), K.R.Puram,

West Godavari District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ of Certiorari or any other appropriate Writ or order or directions in the nature thereof to call for the entire records from the respondents relating to the eviction of the petitioner from the lands in his possession and enjoyment and to quash the order dt.21-8-90 in S.R.Nos.731/82 and 80/85, Court of the Special Deputy Collector (T.W.), K.R.Puram, confirmed in order dated 9-2-93 in S.R.A.21/A/90, Agent to Government (District Collector), West Godavari, Eluru and Memo 7406/F1/93-3, Government of A.P., Social Welfare (F) Department dt.8-9-93

directing eviction of the petitioner from Ac.1-85 lands (R.S.33/2 measuring Ac.0-81 cents and R.S.26/1D measuring Ac.1-04 cents) in Seetaramanagaram Village in Buttayyagudem Mandal.

Counsel for the Petitioner: MR. P.R.K.AMARENDRA KUMAR

Counsel for Respondents: GOVERNMENT PLEADER FOR SOCIAL WELFARE

The Court made the following ORDER:

This writ petition is filed questioning the orders of the revisional authority dated 08-09-1993 passed in Memo No.7406/F1/93-3, Government of Andhra Pradesh, Social Welfare (F) Department, in exercise of the powers under Regulation 6 of the A.P. Scheduled Areas Land Transfer Regulation, 1959.

The said revision petition was filed by the petitioner questioning the orders of eviction as confirmed by the appellate authority. One of the primary contentions raised in the writ petition is that the revisional authority has disposed of the revision petition without providing an opportunity of hearing and without intimating the date of hearing.

A reading of the impugned order itself discloses that a memo dated 19-4-1993 was issued to the petitioner in Government Memo No.7406/F1/93-1, SW., giving 15 days time for filing of the objections. Thereafter, on expiry of the said period of 15 days, without any further notice and hearing the petitioner, basing on the remarks sent by the Collector and District Magistrate, who is appellate authority, the revision petition was disposed of as per the Regulations.

It is submitted by the learned Counsel for the petitioner that in view of the language under Regulation 6 of the Regulations referred above, the petitioner is entitled for hearing and the order passed is in violation of the said provision and also principles of natural justice. Learned Counsel for the petitioner also placed reliance on the judgment of a Division Bench of this Court reported in **G.Varalakshmi Vs. K.Pullamma (died) and others**, wherein this Court has remitted back the matter for consideration when the revision petition was disposed of without notifying the date of hearing. Though counter affidavit is filed on behalf of respondents, there is no specific denial with regard to the allegation that the petitioner was not heard when the matter was disposed of. In that view of the matter and as much as the impugned order was passed only basing on the remarks sent by the appellate authority, I am of the view that the matter requires re-consideration by the revisional authority.

Accordingly, the order dated 08-09-1993 passed in Memo No.7406/F1/93-3 is set aside. The matter is remitted back to the revisional authority i.e., first respondent herein and the first respondent is directed to give notice to the revision petitioner by fixing the date of hearing and dispose of the same after hearing the petitioner.

The writ petition is allowed to the extent indicated above. No order as to costs. Status quo with regard to the possession of the land in question as on today shall be continued till the disposal of the revision petition by the first respondent.

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R.SUBHASH REDDY, J

09th February, 2005.

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That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this

Wednesday the ninth day of February, two thousand and five.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. Government of A.P., Social Welfare (F) Department,

Secretariat Buildings, Hyderabad.

2. The Agent to Government (Collector),

West Godavari District, Eluru.

3. The Special Deputy Collector (T.W.), Kotaramachandrapuram,

West Godavari District.

4. The Special Deputy Tahsildar (T.W.), Kotaramachandrapuram,

West Godavari District.

5. Two CCs to the Government Pleader for Social Welfare,

High Court Buildings, Hyderabad (O.U.T).

6. Two CD copies.